IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 4295 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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MUKESHBHAI BALUBHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Misc.Application No. 4295 of 2002

MR BS PATEL for the petitioner

MR N.D.GOHIL, APP for Respondent Nos. 1 & 2

MS KRUTI M SHAH FOR Respondent No. 3

CORAM : MR.JUSTICE A.M.KAPADIA

Date of decision: 19/07/2002

ORAL JUDGEMENT

Rule. Mr. N.D.Gohil, learned APP appears and waives service of notice of rule on behalf of respondent

Nos. 1 & 2 whereas Ms Kruti M Shah, learned advocate appears and waives service of notice of rule on behalf of respondent No.3.

2. By means of filing this petition, petitioner, against whom an FIR is lodged vide CR No. II 42 of 2002 at Bhadarva Police Station, Taluka Savli, District Vadodara for commission of the alleged offences under Section 323, 504, 506(2) and 114 of IPC and under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocity) Act, 1989 on the basis of the complaint filed by respondent No.3 herein, has prayed to quash the said complaint on the grounds stated in the memo of the petition.

3. When the matter is called out, Mr. B.S.Patel, learned advocate for the petitioner and Ms Kruti M Shah, learned advocate for respondent No.3, upon instructions received from the petitioner and respondent No.3 who are present in the Court, state that the matter has been settled amicably between the parties outside the Court and the cloud of misunderstanding between the parties is now disappeared. The affidavit filed by respondent No.3 is also placed on record for the perusal of this Court. They, therefore, urged that the prayer made in this petition may be granted and thereby criminal case registered against the present petitioner with CR No. II- 42 of 2002 with Bhadarva Police Station, Taluka Savli, District Vadodara may be quashed in the interest of both the parties.

4. Mr. N.D.Gohil, learned APP has no objection if the prayer made in the petition is gratned in view of the fact that the matter has been settled amicably between the parties and the misunderstanding between the parties is now over, he, therefore urged to pass appropriate order in this regard.

5. Having heard the learned advocates appearing for the parties, and on having perusal of the averments made in the memo of the petition, criminal complaint registered vide CR No. II 42 of 2002 with Bhadarva Police Station and the affidavit filed by respondent No.3, I am of the opinion that since the matter is settled amicably between the parties outside the Court and the cloud of misunderstanding has been disappeared, the FIR registered vide CR No. II 42 of 2002 with Bhadarva Police Station deserves to be quashed and set aside by allowing this petition.

6. For the foregoing reasons, petition succeeds and

accordingly it is allowed. The Criminal complaint registered vide CR No. II 42 of 2002 at Bhadarva Police Station, Taluka Savli, District Vadodara on the basis of the complaint filed by respondent No.3 is quashed and set aside. Rule is made absolute.

7. Affidavit filed by respondent No.3 which is produced for the perusal of this Court shall be retained on record of this case.

(A.M.Kapadia,J)

Jayanti*